

### **REMARKS**

Claims 1, 4-6, and 12 are now pending in the application. Claims 1 and 12 are independent. Allowable claim 2 has been canceled and incorporated into independent claim 1 to place the application in condition for allowance.

### **Objection to Claim 2**

Withdrawal of the objection to Claim 2 is requested. Allowable claim 2 has been canceled and incorporated into independent claim 1.

### **Anticipation Rejection By Tsukihashi et al.**

Withdrawal of the rejection of claims 1 and 4-6 under 35 U.S.C. §102(e) as being anticipated by Tsukihashi et al. (US 6,560,180) is requested.

In order to expedite issuance of a patent, claim 1 has been amended without prejudice or disclaimer to recite the allowable subject matter of dependent claim 2, and claims 4-6 depend from now allowable claim 1, thus rendering the anticipation rejection of these claims moot.

Despite the current allowability of claim 1 after amendment, Applicants would like to further contend the anticipation rejection by Tsukihashi et al. to establish a clear record as follows:

### ***Discussion of Tsukihashi***

Tsukihashi et al. at col. 4, lines 46-62 discloses that “When this amount fails to a predetermined value, the record decision unit 22 judges that the buffer RAM 16 is in a buffer under-run state and then determine to cease the recording operation. When a command from the host equipment connected to the connection terminal 10 instructs halting of the recording operation, the record decision unit 22 determines to cease recording.”

However, previously presented claim 1 before amendment not only specified that recording ceases when buffer under-run occurs, but also specifies that the recording operation is stopped after at least one main data of the data block currently being recorded has been recorded.

Moreover, page 3, item 3 of the Office Action indicated that “the stopping is initiated by the recording decision unit 21 based on input from the buffer RAM 16 under run condition (that what the application discloses as main data of the data block being recorded).”

In accordance with the disclosed and claimed invention, even if a buffer under-run occurs, the recording does not stop immediately and will stop until the main data of the data block currently being recorded has been recorded completely. However, the disclosure of Tsukihashi et al. does not teach or suggest to stop a recording operation after main data of the data block currently being recorded has been recorded. Apparently, Tsukihashi et al. merely indicates the matter of stopping recording in connection with the buffer under-run, but fails to disclose the feature of stopping recording after main data of the data block currently being recorded has been recorded.

Tsukihashi et al. at col. 6, lines 10-15 discloses that “When the record decision unit 22 recognizes the beginning of recording, the record-start-position detection unit 23 detects the leading end of an unrecorded area continuous with the end of data recorded onto the disk before recording was halted. In other words, the recording is restarted at the position of leading of unrecorded area, *i.e.*, the position right after the recorded area. For example, if the recording stops in main data, the recording will restart at the interrupt position in the main data, rather than the beginning of the next data block.

Such an operation has shortcomings as mentioned in "BACKGROUND OF THE INVENTION" of Applicants' present disclosure at page 1, line 23 to page 2, line 7, which is quoted below with **emphasis** added:

“Referring to FIG. 2, U.S. Pat. No. 6,418,099 B2 discloses an optical disk apparatus, in which recording is interrupted immediately once a buffer under

run is detected, and the interruption position is stored as the starting position of the next recording. When the recording is continued, it starts to record the data and ECCs from the interruption position. In other words, it firstly records the rest unrecorded data of the data block where the buffer under run occurs, and continues to record the following next data blocks. Because the encoded ECCs are still stored in the second buffer 13 of FIG. 1, thereby it doesn't to re-encode when the recording is continued. However, **the above recording method has to record the recording interruption position and maintains data in the second buffer 13 during interruption. Furthermore, the inaccuracy of the start recording position may result in data loss.**

Accordingly, and contrary to the Examiner's assertion, Tsukihashi et al. clearly fails to disclose the steps of restarting to encode and recording from the beginning of the next data block.

#### **Allowable Subject Matter**

Applicants note with appreciation the indication that claim 2 is drawn to allowable subject matter and would be allowed if rewritten in independent form, and that claim 12 is allowed.

In reliance upon the indication of allowable subject matter, claim 1 has been amended to incorporate the allowable subject matter of dependent claim 2, and claim 2 has been canceled. Allowance of amended claim 1 and dependent claims 4-6 is requested.

#### **Conclusions**

In view of the above amendment and remarks, applicants believe that each of pending claims 1, 4-6, and 12 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes that an interview would be helpful in resolving any outstanding issues in this case, the undersigned attorney is available at the telephone number indicated below.

Applicants believe that no fee is due with this response. However, if any fee is due, please charge CBLH Deposit Account No. 22-0185, under Order No. 22171-00021-US1 from which the undersigned is authorized to draw.

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